

Peter Apo: Let There Be Light On The TMT

The state Supreme Court decision halting — for now — the \$1.4 billion telescope offers an opportunity to untangle cultural arguments about Mauna Kea.

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The Hawaii Supreme Court's [recent decision to hit the pause button on the Thirty Meter Telescope](#) offers an unexpected opportunity to bring crucial clarity to some critics' objections to the telescope on cultural grounds.

There is a high probability that the legal framework of the court ruling will re-route the dialogue away from social media hysteria and reality-show journalism, and toward the formality of a contested case hearing.

The quasi-judicial process involved in such a hearing will force the separation of cultural fact from fiction, and leave it so that both sides will have equal opportunity to weigh in and validate their cultural arguments for or against construction of the telescope.

In their concurring court opinion, Justices Richard Pollack, Michael Wilson and Sabrina McKenna drilled in on the native-rights provision of state constitutional law, saying that the State Board of Land and Natural Resources has to show that the project does not harm traditional and customary Hawaiian cultural practices in the geographic area.

Hawaii's constitution says, in part, "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes...subject to the right of the State to regulate such rights."

Traditional Rights?

Does a traditional and customary cultural practice amount to a right? For this to be the case, there would have to be some historical basis that demonstrating that the practice has not only been exercised in the past, but that there is a pattern of frequency, in many cases, even now.

The belief system that triggers a practice may be as important as the cultural practice itself. The more that the practice or belief system is noted in the historical record — particularly when it is from multiple sources — the greater the level of validation for that tradition as customary.

Traditional sources that are referenced to establish the historical basis of what constitutes a traditional and customary practice or claim of [kapu](#). These sources include archaeological findings, oral traditions, such as ancient chants like the [Kumulipo](#), and the works of present-day scholars based on newly discovered Hawaiian language sources. These include unpublished oral histories, and more

than a million pages of Hawaiian language newspapers published between 1843 and 1948.

There are also the oral traditions passed down within each family; but these are less reliable.

Validating a traditional and customary practice, especially a claim represented as “sacred” and rooted in past religious beliefs, becomes more complicated in the absence of the old priesthood.

Their demise followed the bloody battle of Kuamoo in 1819, which pitted forces loyal to King Kamehameha II — who had ordered a complete ban on the traditional Hawaiian religion and the destruction of all temples — against an army of insurgents led by Chief Kekuaokalani. Liholiho, another name for Kamehameha II, prevailed.

The centuries-old system of religious rule influenced by a priesthood hierarchy that held great sway over the ruling class could not survive a monarchy hostile to the traditional religion.

So the entire belief system went underground and was lost to many, if not most, Hawaiians. That left no recognized priesthood to validate traditions and practices, leaving us with the current day reliance on historian-scholars, ancient chant references and archaeologists.

Is Mauna Kea ‘Sacred’?

People who call themselves the “protectors” of Mauna Kea frame their objections to the TMT as a violation of a religious-based belief they refer to as *Mauna a Wākea*. As I understand it, Mauna a Wākea, among other things, lays claim to the entire mountain as being sacred. Even the air column above the mountain is holy.

In the case of the TMT, “sacred” means there can be no real discussion and the protectors have made it clear that compromise is not possible; thou shall not build it.

My interest in the sacred claim of Mauna a Wākea — that it encompasses the entire mountain — has grown out of an awkward silence from a broad sector of Hawaiian scholars and other credentialed cultural leaders who would normally take part in such an intense conflict. As the Mauna Kea controversy went viral, their silence got louder — and my sense of urgency grew.

Amid my puzzlement over the absence of informed voices regarding the Mauna a Wākea claim, I commissioned some research that included interviews with highly credentialed Hawaiian scholars.

I diligently reviewed sources, including the works of scholars such as Pua Kanahēle Kanakaʻole and Kēpa Maly, some of which is presented in the [Mauna Kea Comprehensive Management Plan](#) of 2009.

This research has led me to some conclusions. First, there are indeed places on Mauna Kea that are sacred. These are places where Hawaiians have continuously participated in traditional and customary practices; so there are unquestionably specific geo-cultural sites on Mauna Kea that are protected, and the practices that are associated with these sites meet all the defining criteria of being traditional and customary.

But the extension of sacredness to the entire mountain and the air column above it gives rise to questions about how much cultural validation there is for the idea that this pre-empts any and all other uses of the mountain.

I found no documentation indicating that Mauna Kea, as a whole, is sacred. I could not find any reference to any blanket of sacredness over the entire mountain and the air column in any of the usual sources of validation — not even in the Kumulipo Hawaiian creation-origin chant, or in the writings of Native Hawaiian historians of the 19th century like Samuel Kamakau, David Malo, John Papa ʻŪi and Kepelino.

Beyond the blanket-of-sacredness claim, there is nothing else on record to suggest any validated sacred places would be disturbed by the construction or operation of the TMT.

Validated sacred places include the peaks of Puʻu o Kūkahauʻula, Puʻu Poliʻahu and Puʻu Lilinoe, Lake Waiau, and various heiau (temples), ʻahu (altars), ana (caves), lua kā koʻi (quarries), and ilina (burials).

In fact, I believe the decision about the TMT's location was made to ensure that no sacred site was violated, nor access to any sacred site impeded. The telescope was also sited below the summit to minimize its visual obtrusiveness.

There is one mention of *Mauna a Wākea* found in a birth chant for Kauikeaouli, first published in 1852. Kauikeaouli is better known as Kamehameha III.

If there is any other documentation of a sacred claim of Mauna in the traditional sources of validation, I stand to be corrected.

Mountain Precedents

Of all the cultural objections to the TMT, the one that I question most is the claim that any substantive digging into the mountain is a grievous cultural injury.

These claims fly in the face of well-documented Hawaiian land-use traditions based on centuries of significant reconfigurations of the natural environment by

Hawaiians.

Landscapes were repeatedly altered to build temples and fishpond complexes, and to terrace massive acreages for food production and dig deep into mountainsides to quarry high-quality stone for tools.

In fact the largest and most famous quarry in the islands was on Mauna Kea. It covers an area of 7.5 square miles and extends from 8,600 feet in elevation up to 13,000 feet.

The Tradition Of Seeking Knowledge

The characterization of today's battle over Mauna Kea as culture versus science is inaccurate. On the contrary, Hawaiian culture and science are symbiotic. While there are many examples of scientific observation in every aspect of the Hawaiian relationship with the natural world, the study of the skies was of particular fascination.

Hawaiians had — and continue to take part in — an unending, undeterred quest for knowledge, known as 'imi na'auao. This includes ancient astronomy on Mauna Kea. According to Hawaiian scholar [Rubellite Kawena Johnson](#), a stone altar temple on the slopes of Mauna Kea called Ahu a Umi Heiau — which was built by Umi, the most celebrated chief of Hawaii Island — appears to be a ritual platform for complicated and sophisticated studies of the heavens.

Another cultural connector between Mauna Kea and the stars is that there are various places on the mountain named after stars.

An even more fundamental relationship between Hawaiians and astronomical science is the Hawaiian quest to search for our ancestors. The value of Hawaiian access to the TMT is also in the fact that we could learn about our ancestral past by looking at the heavens — back toward the beginning of the Kumulipo and the Night of Pō. For Hawaiians, this would be culturally immeasurable.

I do understand the passion of those who disagree and feel violated by anyone who would challenge what they believe to be sacred and beyond discussion. Perhaps this is our cultural Battle of Kuamo'o revisited over diametrically opposed belief systems.

But it is worth remembering that, in the end, the decision about the telescope will be beyond the control of Hawaiians alone to decide.

Because, in the end, it is the state's constitution that will decide whether Hawaiians have the traditional and customary right to the claim of *Mauna a Wākea*, which is "*subject to the right of the State to regulate.*"